

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NANCY L. NAGLE,

Plaintiff,

07 CIV. 2860 (SCR)

- against -

PAULA MARRON, individually, PAUL
R. FRIED, individually, STEVEN CASTAR,
individually, ROSEMARY COLETTI,
individually, BARBARA MERLING,
individually, and the MAMARONECK
UNION FREE SCHOOL DISTRICT,
New York,

NOTICE OF MOTION

Defendants.

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PLEASE TAKE NOTICE, that upon the accompanying Declaration of Lewis R.

Silverman, Esq., sworn to on the 25th day of July 2007, and the Memorandum of Law in Support of the Defendant's Motion to Dismiss, the defendant, PAULA MARRON, by and through her attorneys, RUTHERFORD & CHRISTIE, LLP, will move this Honorable Court on a date and time to be decided by this Honorable Court:

- 1) For an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing this action because the Complaint fails to state a claim upon which relief can be granted against the defendant.
- 2) For such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that the plaintiff's opposition, if any, is to be served by August 27, 2007. The defendant's reply papers are to be served by September 10, 2007.

Dated: New York, New York
July 25, 2007

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: S/ Lewis R. Silverman

Lewis R. Silverman (LS 9723)
Attorneys for Defendant,
PAULA MARRON
300 East 42nd Street, 18th Floor
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(212) 599-5799

TO: LOVETT & GOULD, LLP
Attorneys for Plaintiff
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401
Attention: Jonathan Lovett, Esq.

MIRANDA, SOKOLOFF, SAMBURSKY,
SLONE, VERVENIOTIS, LLP
Attorneys for Defendants,
PAUL R. FRIED, STEVEN CASTAR,
ROSEMARY COLETTI, BARBARA
MERLING, MAMARONECK UNION
FREE SCHOOL DISTRICT
240 Mineola Boulevard
Mineola, New York 11501
(516) 741-7676
Attention: Adam J. Kleinberg, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF MOTION, DECLARATION and MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS** was furnished via first-class mail to the offices of LOVETT & GOULD, LLP, Attorneys for Plaintiff, NANCY L. NAGLE, 222 Bloomingdale Road, White Plains, New York 10605 and to MIRANDA, SOKOLOFF, SAMBURSKY, SLONE, VERVENIOTIS, LLP, Attorneys for Defendants, PAUL R. FRIED, STEVEN CASTAR, ROSEMARIE COLETTI, BARBARA MERLING, MAMARONECK UFSD, 240 Mineola Boulevard, Mineola, New York 11501 on this 25TH day of July, 2007

S/ Lewis R. Silverman

Lewis R. Silverman (LS 9723)